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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 15

Application Number: 09/115,359
Filing Date: July 14, 1998
Appellant(s): MERILL, JOHN W.

Timothy N. Trop
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 26 February 2001.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 14, 15 and 21-32.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is not correct. The summary provides a description which does not correspond to the claimed invention.

A correct summary of the invention may be found on page 2 of the specification repeated below for convenience:

"In accordance with one aspect, a method for recognizing speech includes providing a speech engine with a vocabulary of command sets. The appropriate command set for the current software application is communicated to the speech engine.

In accordance with another aspect, a method of recognizing speech includes associating speech units with an identifier. The identifier is also associated with an action to be taken in response to the speech unit. The identifier for a given spoken speech unit is determined and the identifier is provided to a software object."

As noted on page 3 of the specification, lines 16-20: "The application 10 may respond either to spoken commands or tactile inputs. Tactile inputs could include pushing a keyboard key, touching a display screen, or mouse clicking on a visual interface."

The claimed invention does not correspond to the Summary presented by the applicant. For example, the claims do not indicate any use of grammar, navigator function, GetControlInfo, IoleControl, state errors, accelerator key, "jump" command, "off" command, nor is any claim language directed towards invoking particular functions from any window or frame reference. There are too many improper references in the applicant's Summary to specifically point out but it is clear that this Summary is a far cry from the claimed invention.

There is a reference in some claims (i.e. – 24, 28) to the term "OnMnemonic." The applicant gives the following illustration: "For example, the OnMnemonic method may be given the new function of passing information from the server to the control corresponding to a spoken command." This is not differentiable from "providing the identifier to a software

object" (i.e. – claim 21) in that both indicate that the function is related to "the identifier for a spoken or non-spoken command".

Summary of the State of the Art

The applicant correctly identifies some background information in the specification on pages 1-2. The applicant's description of API (Application Program Interface) is correct. It is known that parallel processing can produce multiple sources of inputs which need to be synchronized in order to be properly handled, for example, by an operating system which would control the overall functions of a computer. An API may handle multiple sources of input. and could be encapsulated as a single object.

(6) Issues

The appellant's statement of the issues in the brief was correct. However, the rejection under 35 USC 112, second paragraph of claims 26 and 30 is hereby withdrawn in view of the applicants' arguments.

(7) Grouping of Claims

Appellant's brief includes a statement that claims do not stand or fall together but fails to provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8). Therefore, the claims must stand or fall together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Number	Name	Date
5,983,190	Trower; II et al.	09 November 1990
5,632,002	Hashimoto et al.	20 May 1997

Author	Title	Date
Denning	ActiveX Controls Inside Out	1997

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 14, 15 and 25-27 and 29-32 are rejected under 35 USC 102(e) as being anticipated by Trower (5,983,190).

As per claims 14, 15, 31 and 32: "providing a software object that receives spoken and non-spoken command information" (his collection of commands that an agent object will respond to when a client becomes active and also enables its selection through speech recognition, col. 27, lines 5-26); and

"firing an event when an object receives command information" (his OLE object can expose a set of functions that is derived from IDispatch and includes method and property access functions that another program can call directly. This is sometimes called a

'dual' interface because other programs can invoke an object's methods through the
IDispatch interface and directly through this second type of interface).

Firing the same event when receiving spoken and non-spoken information is
clearly included by Trower who will allow an object's methods to be controlled by more than
one interface. Thus, it is apparent that any known control method could invoke any known ·
program function using the interface taught by Trower. Since Trower explicitly teaches
keyboard and pointing devices (figure 1) as well as speech recognition (figure 3), any
combination of these are anticipated.

Claims 25, 29: "Associating speech commands with identifiers" is taught in column 2
where he states that clients can specify input commands including both speech and cursor
device input for the character (lines 29-30) and Clients specify the speech or cursor input that
a character will respond to . . . The server monitors input from the operating system (cursor
device input) and the speech recognition engine (speech input) for this input (lines 63-66).
Thus, he clearly anticipates the use of a common identifier for both speech and cursor device
inputs.

"Associating the identifiers with actions to be taken in response to each speech
command" is taught by his ability to play animation and speech output to animate the
character . . . (col. 2, lines 31-34). Thus, he clearly anticipates the use of externally visible
actions as opposed to actions internal to the computer that the user would not see.
However, it is noted that the claim language does not state what the action is and would
therefore be anticipated even if these other actions were absent.

"Determining the identifier for a spoken speech command" is inherent for any

known use of speech recognition and is anticipated by any one of his use of input

commands, character, name or text string in column 2 (for example).

"Providing an identifier to a software agent" is taught with his use of commands

that an agent object will respond to when a client becomes active . . . The client can also set

the Voice property for a command, which enables its selection through speech recognition

(col. 27, lines 5-26). Identifiers may also be embedded in an HTML page and example

methods include "Play, GestureAt, MoveTo, Stop, and Speak" (col. 22, line 40 – col. 23, line

12) which give examples of specific actions that can be performed by the agent object.

Claim 26: "communicating the identifier to the object what particular speech

command is spoken" was covered by the explanation regarding claims 25 and 29 above.

"Instantiating an object in a container" is taught by figure 10 and column 20, lines 1-19 and

55-62 where he teaches that the server must first create the object (i.e., instantiate an object

of a class supported by the server application).

Claim 27, 29 and 30: "Communicating information about a first speech command to

the container, checking an active vocabulary list on the container to determine if the first

speech command is one used in an active task, and if the speech command is one used in

an active task, transmitting identifier for the speech command to the object." Is taught by his

speech recognition engine in communication with an audio input device for receiving speech

input from the user . . . to identify the speech input commands; and in communication with

the receiver for sending notification messages to the server when the speech input

commands are detected (col. 39, lines 27-33).

See also his <u>active vocabulary of the speech recognition engine</u> (col. 28, lines 49-50), <u>a list of commands that are currently available to the user</u> (col. 27, lines 7-8), <u>the client specifies the string value corresponding to the words or phrase to be used by the speech engine to recognize this command</u> (col. 27, lines 57-59) and <u>it is ultimately the end user that is controlling which client has the chance to become active</u> (col. 33, lines 60-61).

Claim 28 is rejected under 35 USC 103(a) as being unpatentable over Trower as applied to claim 26 above in further view of Denning ("ActiveX Controls Inside Out").

"Using an OnMnemonic method to communicate between the container and the object" is suggested by Trower with his use of <u>an ActiveX control interface</u> (col. 35, lines 21-45). Denning is provided because it explicitly teaches that "OnMnemonic" is one of the four inherent control methods used by ActiveX (see page 110) which is called by the container.

Claims 21-23 are rejected under 35 USC 103(a) as being unpatentable over Hashimoto (5,632,002)

As per claims 21, 22

"associating a spoken and a non-spoken command with the same identifier" (his <u>plurality of application program 2 are operated in parallel, each application program 2 can exchange data such as the recognition vocabulary and the recognition result with the speech recognition system 1 . . . so that the speech input can be provided as the data input means for all the application programs 2 just as the other data input means such as the keyboard and the mouse,</u> col. 18, lines 10-22);

"associating the identifier with an action to be taken in response to either the spoken or non-spoken command; determining the identifier for spoken and unspoken commands"" (his SIM 104 converts the speech inputs into the form acceptable by the GAP 103 such as that of the mouse inputs or the keyboard inputs, col. 59, lines 49-58 and the SIM 104 transmits the messages identical to those generated at the time of the operation command inputs by the usual input devices such as the keyboard and the mouse, col. 60, lines 1-21); and

"providing the identifier to a software object" (he teaches that such an operation command transmission can be easily implemented by utilizing the functions provided in the library of the window system. In the actual window system, there are cases in which the destination of the messages is not the GAP 103 itself but the object such as the window generated by the GAP 103, col. 60, lines 21-31).

It is noted that Hashimoto does not explicitly teach "an action" related to a command. However, Hashimoto teaches that many different application programs 2 (figure 6) may be implemented with his interface. It would have been obvious to one of ordinary skill in the art that even though Hashimoto does not describe specific actions to be employed by the applications that applications will perform actions desired by the users thereof. Performing only desirable "actions" is further suggested by Hashimoto in col. 11, lines 44-59 where he explains that his interface will limit recognition in order to avoid wasteful matching processing with respect to the unnecessary recognition vocabularies. This teaches that only desirable applications will be utilized and one of ordinary skill in the art would expect this to result in only actions desired by the user to result by such a limitation to active vocabularies.

Claim 23: "Checking an active vocabulary list in the container to determine if the fist spoken command is one used in a active task, and if the first spoken command is one used in a active task, transferring the identifier for the spoken command to the object" is taught by his program management table 13 has entries for the program Ids, the input masks, the recognition vocabulary lists, and the speech input flags . . . The speech input flag is a flag indicating whether or not the speech focus is focused on a corresponding one of the application programs 2 or not (col. 10, line 58 – col. 11, line 10).

Claim 24 is rejected under 35 USC 103(a) as being unpatentable of Hashimoto as applied to claim 21 above, in further view of Denning (ActiveX Controls Inside Out").

"Using an OnMnemonic method to communicate between the container and the object" is suggested by Hashimoto with his use application programs 5 includes those related to the known window system functions such as the window generation in the multi-window environment (col. 18, lines 35-60). Denning is provided because it explicitly teaches that ActiveX Controls are for use in Windows in the subtitle which states Programming Efficient ActiveX Controls for Windows and the Internet. "OnMnemonic" is one of the four inherent control methods used by ActiveX (see page 110) which is called by the container.

It would have been obvious to use ActiveX controls in the windows environment of Hashimoto because they were developed to allow efficient programming for Windows as taught by Denning.

(11)Response to argument

The rejection under 35 USC 102 is proper. The misquote of claim 14 was corrected in the re-statement of all rejections above. The examiner considers this a minor matter because the previous statement of the rejection indicated. Even a cursory review of the Trower reference would readily reveal to one of ordinary skill in the art that input may be received in parallel. See, for example, figure 3 which shows parallel input and output to and from the operating system 120. Furthermore, the language in column 2, lines 29-30 and lines 65-66 is inclusive, using the term and when referring to cursor input and speech recognition which explicitly teaches both. This contradicts the applicants' argument that he uses one or the other.
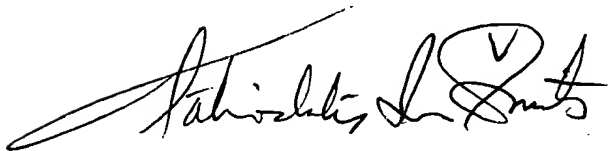
The rejection under 35 USC 112 of claims 26 and 30 was not proper. The applicant's arguments are convincing and so this rejection is hereby withdrawn.

The rejections under 35 USC 103 were proper. The language of the rejection has been restated to put it in a more conventional format. However, it is clear that the claimed subject matter is rendered obvious by the prior art as applied. The verbiage previously used in the rejection was found confusing by the applicants. The inference that the examiner was trying to point out was the relationship between possible input and the corresponding matching required by the speech recognition interface in order to match input with the desired application program. The rejection is more clearly worded to point out that even though Hashimoto does not explicitly use the term "action", that one of ordinary skill in the art would find it obvious that the results of processing speech input to determine an identifier would result in an appropriate action taking place with respect to the application which the user desired to control relative to the vocabulary of said application.

Not only does Hashimoto teach using the same identifier, he explicitly teaches converting the speech recognition result into a format which is <u>identical to those generated at the time of the operation command inputs by the usual input devices such as the keyboard and the mouse</u>, col. 60, lines 1-21. Therefore, there is no need to modify Hashimoto against his own teachings. To the contrary, Hashimoto can handle both spoken and non-spoken commands using processing which results in messages which are identical to describe the same commands issued by both forms of input.

For the above reasons, it is believed that the rejection should be sustained.
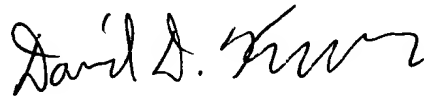
Respectfully submitted,

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